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Honorable Philip H. Brandt  
Chapter 13

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

IN RE:

NO. 01-52112-PHB

DEBORAH K. RADFORD,  
Debtor.

DEBORAH K. RADFORD,  
Plaintiff,

vs.

ADVERSARY  
CAUSE NO. 08-04111-PHB

GREENPOINT CREDIT, LLC and GREEN TREE  
SERVICING LLC,  
Defendants.

ANSWER TO COMPLAINT FOR  
VIOLATION OF DISCHARGE  
INJUNCTION

COME NOW GreenPoint Credit, LLC ("GreenPoint") and Green Tree Servicing LLC ("Green Tree"), and in answer to Plaintiff's Complaint for Violation of Discharge Injunction (the "Complaint"), state as follows:

**I. ANSWER**

1.1 GreenPoint and Green Tree lack sufficient knowledge to admit or deny the allegations contained in paragraphs 1.1, 1.2, 1.3, 1.4, 2.1, 3.1, 4.1, 4.2, 4.3, 4.4, 5.3 and 6.2 of the Complaint and therefore deny the same.

1.2 GreenPoint and Green Tree deny the allegations contained in paragraphs 4.5, 5.4, 5.5, 6.3 and 6.4 of the Complaint.

1.3 With respect to paragraph 2.2 of the Complaint, GreenPoint denies it is a Delaware corporation. GreenPoint admits that it is registered in the State of Washington

ANSWER TO COMPLAINT FOR VIOLATION OF DISCHARGE  
INJUNCTION-1

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1 and that its registered agent is Lexis Document Services Inc. located at 6500 Harbour  
2 Heights Parkway, Suite 400, Mukilteo, Washington.

3 1.4 With respect to paragraph 2.3 of the Complaint, Green Tree denies it is a  
4 Delaware corporation. Green Tree admits that it is registered in the State of Washington  
5 and that its registered agent is C T Corporation System located at 1801 West Bay Drive  
6 NW, Suite 206, Olympia, Washington.

7 1.5 With respect to paragraph 5.1 of the Complaint, GreenPoint and Green  
8 Tree incorporate herein their answers to the preceding paragraphs.

9 1.6 With respect to paragraph 5.2 of the Complaint, the recital of statutory  
10 provisions is not an allegation or statement of fact, is not appropriate for a complaint, and  
11 no response is appropriate thereto.

12 1.7 With respect to paragraph 6.1 of the Complaint, GreenPoint and Green  
13 Tree incorporate herein their answers to the preceding paragraphs.

## 14 II. AFFIRMATIVE DEFENSES

15 2.1 The Complaint fails to state a claim against GreenPoint or Green Tree for  
16 which relief can be granted.

17 2.2 The legal principals of collateral estoppel and law of the case bar Plaintiff's  
18 claims.

19 2.3 The claims asserted by Plaintiff are subject to arbitration pursuant to the  
20 terms of the parties' contract.

21 2.4 Plaintiff failed to mitigate her alleged damages.

22 2.5 Plaintiff's alleged damages, if any, were caused by persons or entities other  
23 than GreenPoint and Green Tree.

24 2.6 Plaintiff's alleged damages, if any, were caused solely or in part by  
25 Plaintiff's own acts or omissions or those of her agents.  
26

ANSWER TO COMPLAINT FOR VIOLATION OF DISCHARGE  
INJUNCTION-2

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2.7 GreenPoint and Green Tree reserve the right to assert additional affirmative defenses as additional discovery may warrant.

WHEREFORE, having fully answered the Complaint, GreenPoint and Green Tree pray for the following relief:

1. That Plaintiff's claims against GreenPoint and Green Tree be dismissed with prejudice;

2. For an award of GreenPoint and Green Tree's attorney's fees, costs and expenses incurred in defending against this action; and

3. That GreenPoint and Green Tree be granted such other and further relief as the Court may deem just and equitable under the circumstances.

DATED October 8, 2008.

MICHAEL D. BOHANNON, PLLC

/s/ Michael D. Bohannon  
Michael D. Bohannon, WSBA #14274  
Attorney for Defendants